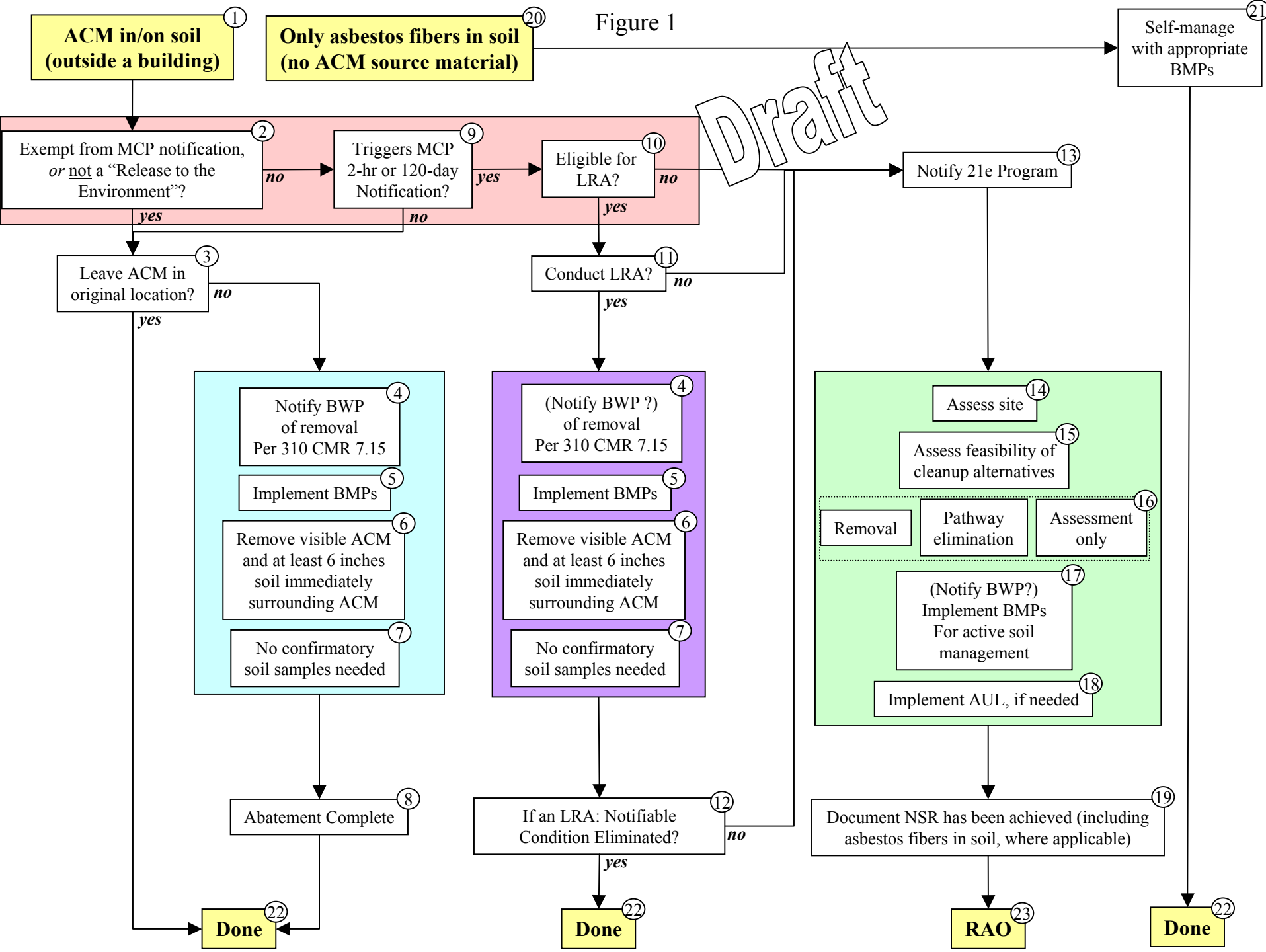


Figure 1



Box	Description
1.	<p><u>ACM in/on soil (outside a building)</u></p> <p>The asbestos in soil proposal does not apply to soil in the interior of a building, such as crawl space or dirt floor. Asbestos in interior soils would continue to be governed by BWP in accordance with 310 CMR 7.15. Due to the different exposure potential presented by enclosed spaces, BWP may require confirmatory sampling of interior dirt floors as part of asbestos abatement projects.</p>
2.	<p><u>Exempt from MCP notification or not a “release to the environment”</u></p> <p>M.G.L. c. 21E and the Massachusetts Contingency Plan (MCP) already exempt asbestos emanating from building materials that are still serving their intended purpose. Proposed changes to the MCP will specifically exempt from notification (310 CMR 40.0317) large, relatively intact ACM that would be handled as an “abatement” via 310 CMR 7.15. These ACM would include buried asbestos-containing pipes, ducts, or other building materials that are discrete and not “spread around.” If a property is a 21E site for other reasons, the PRP may choose to fold such ACM removals into the 21E cleanup.</p>
3.	<p><u>Leave ACM in original location?</u></p> <p>BWP recognizes that leaving in place buried ACM pipes, ducts, and other historic building components that are largely intact (or are in discrete pieces) and not “spread around” may be the best option for avoiding asbestos releases and potential exposure, if plans for the property allow this. However, please note that excavation and/or removal of these building components would need to comply with the notification and other provisions of 310 CMR 7.15.</p> <p>Also, please note that ACM that was illegally disposed may be required as part of an enforcement action under DEP’s Solid Waste Regulations (310 CMR 19.000).</p>
4.	<p><u>Notify BWP of removal per 310 CMR 7.15</u></p> <p>If abatement or removal is planned for ACM not subject to the MCP or for ACM being removed as an LRA, owners should notify BWP in accordance with 310 CMR 7.15. Where all visible pieces of ACM are removed along with immediately surrounding soil (i.e., 6”), BWP would not require confirmatory soil sampling to close out the abatement or LRA.</p>
5.	<p><u>Implement BMPs</u></p> <p>BWP will publish guidance on BMPs that should be implemented for removal of ACM in soils (see Appendix D for draft).</p>
6.	<p><u>Remove visible ACM and at least 6 inches soil immediately surrounding ACM.</u></p> <p>The goal of the abatement is to remove the visible ACM. Removal of a layer of potentially contaminated soil from around the ACM will also eliminate small chunks and/or asbestos fibers that have been shed from the ACM.</p>
7.	<p><u>No confirmatory samples needed.</u></p> <p>When the soil immediately surrounding the ACM has also been removed, it can be assumed that all the asbestos of concern has been eliminated, and confirmatory samples would not be needed.</p>

8. Abatement Complete  
Proper removal of visible ACM and immediately surrounding soil would meet the standards established by 310 CMR 7.15. Please note that the completion of an abatement only means that the facility components were properly managed/removed/disposed. There would be no data to document whether a condition of “No Significant Risk” (as per the MCP) has been achieved.
9. *Triggers MCP 2-hr or 120-day Notification?*  
MCP notification criteria would focus on (a) ACM that is not intact, (b) ACM that has been scattered over a wide area, and (c) ACM that is friable. Some material, because of its size, condition and/or location, will not trigger notification.
10. *Eligible for LRA?*  
If site conditions have triggered 120-day notification, a Limited Removal Action (LRA) may be appropriate. Under current regulations, up to 20 yd<sup>3</sup> of soil contaminated by a hazardous material such as asbestos could be removed.
11. *Conduct LRA?*  
LRA's are not required, and there may be reasons (such as timing or availability of financing) that an LRA is not carried out. Please note that BWP would need to be notified that asbestos-containing material/soil will be managed at least 10 working days before excavation starts.
12. *Notifiable Condition Eliminated?*  
The goal for an LRA is the elimination of the condition that triggered notification. If the 120-day notification condition still exists following removal of debris and associated soil, then notification to Waste Site Cleanup is required.
13. *Notify 21E Program*  
Notification following identification of a 2-hour or 120-day notification condition. A Release Tracking Number (RTN) will be assigned and MCP timelines begun. The following steps (14-19) are intended as a summary of the standard MCP process, which would apply to asbestos sites. Lack of detail in this summary should not be interpreted to limit standard MCP practices.
14. *Asses Site*  
Determine the extent of contamination. While notification may have been triggered by a specific condition, the site assessment should consider all oil or hazardous material likely to be present, based on site history, etc.
15. *Assess feasibility of cleanup alternatives*  
If it is determined that the site does (or would) pose a significant risk of harm, then remediation is indicated. Since there is no appropriate treatment/destruction alternative for asbestos, it is likely that the feasibility of removal or exposure pathway elimination (or some combination) would be weighed.
16. *Removal, Pathway Elimination, Assessment Only*  
“Assessment Only” is included here just to emphasize that some 21e assessments do not result in remediation (i.e., a Class B RAO may be indicated).

17. *Implement BMPs for Active Soil Management*

BWP will publish guidance on BMPs that should be implemented for removal of ACM in soils.

Submittal of an IRA Plan, RAM Plan or Remedy Implementation Plan can also cover the BWP requirement to notify DEP. However, active management of soil contaminated with asbestos may also require notification to both USEPA and MA DOS -- notifications that are currently transmitted by DEP following a single notification to the BWP asbestos program.

18. Implement AUL, if needed.

If some limitation on the use of the site (i.e., pathway elimination) to eliminate risk, then an Activity and Use Limitation (AUL) would be required.

It is important to note that if the ACM left in place meets the NESHAP definition of RACM (e.g., burst transite asbestos pipes) and exceeds NESHAP threshold amounts (i.e., at least 260 linear feet of RACM on pipes, or 160 square feet of RACM on other facility components, or at least 35 cubic feet of facility components where the amount of RACM could not be measured), leaving the RACM in place would subject the site to the NESHAP requirements for active and/or inactive disposal sites.

19. Document that NSR exists or has been achieved (including asbestos fibers in soil, where applicable)

The documentation may include (but is not limited to) a demonstration that exposure has been eliminated, that the residual asbestos poses NSR, or that the asbestos is at background levels.

20. & Asbestos Fibers in Soil With No Source Material

21. “Background” asbestos fibers in soil would not be a notifiable condition under the MCP. In addition, since BWP regulations (310 CMR 7.15) address facilities and facility components, no notification to BWP would be required to manage the soil. However, owners/operators should consider the use of BMPs for managing such soil (e.g., minimize dust, do not reuse as surficial soil, etc.). Please note that there are situations where just fibers should be notifiable under 21E. These situations include concentrations of fibers at former asbestos manufacturing sites or where a known ACM source of the fibers is identified.

22. Done

While the property is not “clean”, no additional assessment or remediation is required at this time. Future work at the site may require that the remaining asbestos be addressed appropriately.

23. RAO

The site has reached an endpoint under the MCP, which could include Class A, B or C RAOs. The RAO may qualify the site for liability relief under the Brownfields Act.